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IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 (San Jose Division)

THOMAS VAN ZANDT)	Case No. CV 07 – 04987 JF
)	
Plaintiff,)	STIPULATION AND ORDER
v.)	
)	
CITY OF SAN JOSE, et al.,)	
)	
Defendants.)	
)	

The City of san Jose and police officers Pfeifer, Natividad, Weir, and Higgins,
 Defendants in the above-captioned matter, and Plaintiff Thomas Van Zandt, do hereby agree
 and stipulate as follows, and request the Court order same.

This stipulation is based on the following facts and considerations:

The aforementioned Defendants moved for, and were granted, summary judgment on
 all of Plaintiff's claims against them;

Plaintiff has a right to appeal the Court's ruling on said Defendants' Motion for
 Summary Judgment;

The aforementioned Defendants have filed a Bill of Costs.

1 The parties have agreed and stipulate to a mutual waiver of fees and costs, and Plaintiff
 2 further stipulates and agrees to waive his right to appeal the decision of this Court with
 3 respect to the City of San Jose, and Defendants Pfiefer, Natividad, Weir, and Higgins' Motion
 4 for Summary Judgment.

5 Based on the foregoing, it is stipulated as follows:


- 6 1. Defendants City of San Jose, Pfiefer, Natividad, Weir, and Higgins hereby withdraw
 7 their Bill of Costs;
- 8 2. Plaintiff hereby waives all rights to appeal the Court's grant of Summary Judgment to
 9 Defendants City of San Jose, Pfiefer, Natividad, Weir, and Higgins;
- 10 3. Plaintiff and the aforementioned Defendants all to bear their own attorney's fees and
 11 costs;
- 12 4. Nothing in this Stipulation shall be interpreted to effect in any way Plaintiff's claims
 13 as against Defendants Professional Security Consultants, Ryan Scott, Daniel Garcia,
 14 and Samantha Fein, specifically including but without limitation, his right to re-file
 15 those claims in state court.
 16

17 IT IS SO STIPULATED.


18 November 4, 2009


 Thomas Van Zandt, Plaintiff

20 November 4, 2009


 DENNIS R. INGOLS, ESQ.
 Attorney for Plaintiff

23 November 4, 2009


 MIKE GROVES, ESQ.
 Attorney for Defendants
 City of San Jose, Pfieffer,
 Natividad, Weir, and Higgins

ORDER

Based on the foregoing stipulation of the parties, the court does hereby adopt said stipulation and makes same an order of this court.

Date: 11/ 12 /09


JUDGE JEREMY FOGEL
U.S.D.C. NORTHERN DISTRICT
OF CALIFORNIA